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**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY**

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IN RE:

CHAPTER 13

**EDITH W. MENSAH AND EMMANUEL MENSAH,**

Case No.: 14-21368-RG

Debtors.

EDITH W. MENSAH AND EMMANUEL MENSAH

Adversary Proceeding No.:

Adversary Plaintiffs,

AGAINST –  
SELECT PORTFOLIO SERVICING, INC., AS SERVICING  
AGENT FOR THE BANK OF NEW YORK MELLON, f/k/a  
THE BANK OF NEW YORK, AS TRUSTEE FOR CWABS,  
INC., ASSET-BACKED CERTIFICATES, SERIES 2005-3

Adversary Defendant.

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**PRELIMINARY STATEMENT**

1. Debtors were advised that there mortgage loan was “Dismissed August 24, 2016” of Bank of America Home Loans in communication received from there mortgage servicer Bank of America Home Loans.

2. The Bankruptcy Court has Jurisdiction under USC Section 1334.

3. This proceeding is a Core proceeding in which the Bankruptcy Court has authority to enter a final Order or Judgment.

**PARTIES**

4. The Plaintiffs are the Debtors Edith W. Mensah and Emmanuel Mensah in the above referenced Chapter 13 Case., residing at 146 Warren Street, Englewood, New Jersey 07631.

5. Defendant Select Portfolio Servicing Inc., is the Mortgage Servicer for the Bank of New York Mellon, f/k/a, the Bank of New York, as Trustee for CWABS, Inc., Asset Backed Certificates, Series 2005-3 maintains a principal office at P.O. Box 65250, Salt Lake City, UT 84165-0250. (herein thereafter referenced to as "SLS").

**FACTS & CAUSES OF ACTIONS**

6. Defendant SLS is the entity who currently services the alleged debt of the Defendants.

7. On or about August 22, 2014 Plaintiff's mortgage currently serviced by SLS Mortgage was services by the Bank of America Home Loans.

8. Debtors had filed a Chapter 13 Bankruptcy on May 31, 2014. Note of said Bankruptcy filing was sent to Defendant's processors Bank of America Home Loans.

9. Debtors relied upon the notification received Bank of America Home Loans dated August 24, 2014. See Exhibit A attached

10. The Defendant SLS Home Mortgage made or demand for payment of their mortgage loan until February 10, 2017 when they filed a Notice of Motion for Relief from the Automatic with regard to 146 Warren Street, Englewood, New Jersey and submitted a certification in support of same with post-petition balance of \$66,927.63.

11. Plaintiffs reasonably relied upon the assertion by the Successor to defendant, SLS that the mortgage loan was "dismissed" or discharged.

12. Defendants by failing to take action to make a Motion for Stay Relief for more than three years lured Plaintiffs have a sense of wellbeing.

**WHEREFORE**, plaintiffs request the court grant:

- a. Declaratory judgement determining that said mortgage that the aforesaid mortgage serviced by the plaintiffs has been “discharged”;
- b. For such other and further relief as to the court may seem just and proper.

Dated: June 13, 2017

/s/ Walter D. Nealy  
**Attorney for Plaintiffs**  
**Edith W. Mensah and Emmanuel Mensah**